

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL L. NEAL,	§
	§
Defendant Below-	§ No. 7, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0411002209
Plaintiff Below-	§
Appellee.	§

Submitted: January 19, 2010

Decided: March 17, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 17th day of March 2010, it appears to the Court that:

(1) On January 5, 2010, the Court received appellant's notice of appeal from a Superior Court Commissioner's report, dated August 27, 2009, which recommended that the Superior Court deny appellant's motion for postconviction relief. The Court issued a notice to appellant to show cause why his appeal should not be dismissed for this Court's lack of jurisdiction to consider an appeal directly from a Superior Court Commissioner.

(2) Appellant filed a response to the notice to show cause on January 19, 2010. His response only addresses the merits of his issues on appeal and does not address the jurisdictional issue raised in the notice to show cause.

(3) It is well-settled that the *Superior* Court is the only forum in which a defendant may seek review of a Superior Court Commissioner's order.¹ In the absence of that intermediate review, the Supreme Court is without jurisdiction to hear an appeal from any action taken by a Commissioner.²

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Johnson v. State*, 884 A.2d 475,479 (Del. 2005).

² *Id.*